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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DOMINIQUE MORRISON, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

ROSS STORES, INC.,

Defendants.

Civil Action No. 3:18-cv-02671-YGR

**[PROPOSED] PRELIMINARY
APPROVAL ORDER**

[PROPOSED] ORDER

The parties in the above-captioned action, including Plaintiff Dominique Morrison on the one hand, and Defendant Ross Stores, Inc. on the other, have reached a settlement that is set forth in the Stipulation of Settlement filed with this Court.

Pending before the Court is the parties' Motion for Preliminary Approval. Having carefully reviewed the Stipulation of Settlement, including the exhibits attached thereto, the concurrently filed pleadings and supporting documents, and all papers, pleadings, records, and prior proceedings to date in this action, and good cause appearing, the Court hereby GRANTS preliminary approval and ORDERS as follows:

1. As an initial matter, for purposes of this Preliminary Approval Order, except as otherwise indicated herein, the Court adopts and incorporates the definitions contained in the Stipulation of Settlement.

2. The Agreement set forth in the parties' Stipulation of Settlement is within the range of reasonableness and possible final approval in that it appears fair, reasonable, and adequate. The parties' Agreement was reached as a result of extensive arm's length negotiations between the parties and their counsel, taking into consideration the relative strength and weaknesses of their case.

3. The Court provisionally certifies, for settlement purposes only, a class defined as: all persons in the United States who purchased polyester/cotton sheets imported and supplied, to Ross by AQ Textiles, LLC that are packaged or advertised with a representation regarding thread count on or after May 7, 2014 and through the Objection/Exclusion Deadlines. Excluded from the Settlement Class are: (a) Ross's employees, officers, directors, and attorneys; (b) persons who timely and properly exclude themselves from the Settlement Class as provided herein, and (c) the Court, the Court's immediate family, and Court staff.

4. The requirements for certification of the Settlement Class under Fed. R. Civ. P. 23(a), (b)(2), and (b)(3) have been satisfied for settlement purposes. The Court finds, for settlement purposes, pursuant to Rule 23(a): (i) the numerosity requirement is satisfied; (ii) there are questions of law and fact that are common to the Settlement Class; (iii) the claims of the Plaintiff are typical

1 of the claims of the Settlement Class she seeks to represent for purposes of settlement; and (iv)
 2 Plaintiff and Class Counsel are adequate representatives of the class. The Court finds, pursuant to
 3 Rule 23(b)(2): Ross has acted or refused to act on grounds that apply generally to the Settlement
 4 Class, so that final injunctive relief is appropriate. The Court further finds, pursuant to Rule
 5 23(b)(3): (i) questions of law and fact common to the Settlement Class predominate over any
 6 questions affecting any individual Settlement Class Member; and (ii) a class settlement is superior
 7 to other available means of adjudicating this dispute

8 5. The Court provisionally appoints Plaintiff Dominique Morrison as Class
 9 Representative of the Settlement Class.

10 6. The Court provisionally appoints Audet & Partners, LLP; Cuneo, Gilbert & LaDuca;
 11 Levin, Sedran & Berman; and Steckler Wayne Cochran Cherry PLLC as Class Counsel.

12 7. Since the Agreement set forth in the Parties' Stipulation of Settlement is within the
 13 range of reasonableness and possible Final Approval, Notice should be provided to the Settlement
 14 Class pursuant to the proposed Notice Plan.

15 8. The Court approves the Notice Plan and Notice forms, including the Long Form
 16 Notice and the Summary Notice. The Court finds that the Notice Plan is the best practicable method
 17 to provide notice to potential class members under the circumstances, and constitutes valid and
 18 sufficient notice to the Settlement Class.

19 9. The Court appoints CPT Group, a well-qualified and experienced claims
 20 administrator, as Settlement Administrator. The Settlement Administrator shall commence
 21 providing notice no later than _____, 2021 [30 days after preliminary approval order].

22 10. If a Settlement Class Member wishes to exclude himself or herself from the
 23 Agreement, the Settlement Class Member must file a Request for Exclusion no later than
 24 _____, 2021 [90 days after preliminary approval order] in the manner set forth in Section
 25 7.6 of the Stipulation of Settlement. All Settlement Class Members who do not timely submit a
 26 valid Request for Exclusion will be bound by the Final Approval and Judgment, and enjoined from
 27 bringing or prosecuting any action relating to the Released Claims.

28 11. The Court will hold a Final Approval Hearing on

_____ at _____ to determine whether the Settlement should be approved as fair, reasonable, and adequate, and to determine whether a Final Approval Order and Judgment should be entered. The Final Approval Hearing will be held at the United States District Court for the Northern District of California, Oakland Courthouse, 1301 Clay Street, Oakland, CA 94612, in Courtroom 1.

12. Class Counsel shall file their motion for fees, costs, and incentive awards no later than _____, 2021 [35 days before Objections Deadline]. Class Counsel will also include contemporaneous time records sufficient to enable the Court to do a lodestar analysis.

13. Any objections by Settlement Class Members to the terms of the settlement or to Class Counsel's application for fees, costs, and incentive awards shall be filed no later than _____, 2021 [90 days after preliminary approval order] in the manner set forth in Section 7.4 of the Stipulation of Settlement.

14. The parties shall file and serve papers in supporting of their application for Final Approval of the Settlement no later than _____, 2021 [105 days after preliminary approval]. Any opposition and reply papers shall be filed pursuant to Local Rules 7-9 and 7-10, respectively.

15. At least 14 days prior to the Final Approval Hearing, the Settlement Administrator shall certify to the Court that it has complied with the notice requirements set forth herein and shall attach a list of the persons who have excluded themselves in a valid and timely manner from the Settlement Class.

16. The parties shall, pursuant to the terms and conditions of the Stipulation of Settlement, take all necessary and appropriate steps to establish the terms and conditions of the Stipulation of Settlement and this Preliminary Approval Order.

17. Pending the Final Approval Hearing, all proceedings, other than the proceedings necessary to carry out or enforce the terms and conditions of the Agreement and Preliminary Approval Order as related to this matter are stayed, and Settlement Class Members are enjoined from bringing or prosecution any action relating to the Released Claims.

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IT IS SO ORDERED.

DATED: _____

HONORABLE YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE